

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LANA KAY ROE, MARK MARVIN,

Petitioners,

24cv0744

ELECTRONICALLY FILED

v.

WARDEN OF SCI MUNCY, GREENE
COUNTY DISTRICT ATTORNEY,

Respondents.

ORDER OF COURT

On May 21, 2024, Petitioners Lana Kay Roe, through Mark Marvin, filed a Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus. Doc. 1. This matter was referred to United States Magistrate Judge Maureen P. Kelly for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

On June 4, 2024, Magistrate Judge Kelly filed a thorough Report and Recommendation, recommending that the Petition for Writ of Habeas Corpus be denied without prejudice, *sua sponte*, as Petitioner Mark Marvin lacks standing to bring this Petition on behalf of Lana Kay Roe (as a “next friend,”) and that a certificate of appealability be denied, to the extent it is applicable. Doc. 3.

Petitioners were notified that pursuant to 28 U.S.C. § 636(b)(1) that they had fourteen days to file written objections to the Report and Recommendation (objections by non-ECF users were due on June 21, 2024). (*Id.*). As of this date, no objections have been filed.

After *de novo* review of the Record in this matter, Magistrate Judge Kelly’s Report and Recommendation (Doc. 3), the Court ORDERS that the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is DENIED, and no certificate of appealability is issued.

It is further ORDERED that the June 4, 2024, Report and Recommendation (Doc. 3) is adopted as the Opinion of the Court.

The Clerk of Court shall mark this case closed.

SO ORDERED this 16th day of July, 2024.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: U.S. Magistrate Judge Maureen P. Kelly

LANA KAY ROE
OV3262
SCI MUNCY
P.O. Box 180
Route 405
Muncy, PA 17756

MARK MARVIN
135 Mills Rd.
Walden, NY 12586